

# DMCA Notice & Takedown Policy and Procedures

This website ("SITE") qualifies as a "Service Provider" within the meaning of 17 U.S.C. §512(k)(1) of the Digital Millennium Copyright Act ("DMCA"). Accordingly, it is entitled to certain protections from claims of copyright infringement under the DMCA, commonly referred to as the "safe harbor" provisions. We respect the intellectual property of others, and we ask our users to do the same. Accordingly, we observe and comply with the DMCA, and have adopted the following Notice and Takedown Policy relating to claims of copyright infringement by our customers, subscribers or users.

## Notice of Claimed Infringement

If you believe that your work has been copied in a way that constitutes copyright infringement, please provide Our Designated Copyright Agent (identified below) with the following information:

1. an electronic or physical signature of the person authorized to act on behalf of the owner of the copyright or other intellectual property interest;
2. description of the copyrighted work or other intellectual property that you claim has been infringed;
3. a description of where the material that you claim is infringing is located on the SITE (preferably including specific url's associated with the material);
4. your address, telephone number, and email address;
5. a statement by you that you have a good faith belief that the disputed use is not authorized by the copyright owner, its agent, or the law; and,
6. a statement by you, made under penalty of perjury, that the above information in your Notice is accurate and that you are the copyright or intellectual property owner or authorized to act on the copyright or intellectual property owner's behalf.

You may send your Notice of Claimed Infringement either to e-mail [help@xhamster.com](mailto:help@xhamster.com), or submit at <https://xhamster.com/info/contact?subject=dmca>, or send to:

*Copyright Agent*  
*Incorporate Now Inc*  
*512 Lucerne Ave*  
*Lake Worth, FL 33460*  
*United States*  
*Phone: (800) 371-1217*  
*Fax: (800) 371-0235*  
*Email: [notice@incorporatenow.com](mailto:notice@incorporatenow.com)*

**Abuse Notification.** Abusing the DMCA Notice procedures set forth above, or misrepresenting facts in a DMCA Notice or Counter-notification, can result in legal liability for damages, court costs and attorneys fees under federal law. See; 17 U.S.C. §512(f). These Notice and Takedown Procedures only apply to claims of copyright infringement by copyright holders and their agents – not to any other kind of abuse, infringement or legal claim. We will investigate and take action against anyone abusing the DMCA notification or counter-notification procedure. Please ensure that you meet all of the legal qualifications before submitting a DMCA Notice to our Designated Agent.

## Take Down Procedure

The SITE implements the following "notification and takedown" procedure upon receipt of any notification of claimed copyright infringement. The SITE reserves the right at any time to disable access to, or remove any material or activity accessible on or from any SITE or any Materials claimed to be infringing or based on facts or circumstances from which infringing activity is apparent. It is the firm policy of the SITE to terminate the account of repeat copyright infringers, when appropriate, and the SITE will act expeditiously to remove access to all material that infringes on another's copyright, according to the procedure set forth in 17 U.S.C. §512 of the "DMCA". The SITE's DMCA Notice Procedures are set forth in the preceding paragraph. If the notice does not comply with §512 of the DMCA, but does comply with three requirements for identifying sites that are infringing according to §512 of the DMCA, the SITE shall attempt to contact or take other reasonable steps to contact the complaining party to help that party comply with the notice requirements. When the Designated Agent receives a valid notice, the SITE will expeditiously remove and/or disable access to the infringing material and shall notify the affected user. Then, the affected user may submit a counter-notification to the Designated Agent containing a statement made under penalty of perjury that the user has a good faith belief that the material was removed because of misidentification of the material. After the Designated Agent receives the counter-notification, it will replace the material at issue within 10-14 days after receipt of the counter-notification unless the Designated Agent receives notice that a court action has been filed by the complaining party seeking an injunction against the infringing activity. The SITE reserves the right to modify, alter or add to this policy, and all users should regularly check back to these Terms and Conditions to stay current on any such changes.

## DMCA Counter-Notification Procedure

If the Recipient of a Notice of Claimed Infringement ("Notice") believes that the Notice is erroneous or false, and/or that allegedly infringing material has been wrongly removed in accordance with the procedures outlined above, the Recipient is permitted to submit a counter-notification pursuant to Section 512(g)(2)&(3) of the DMCA. A counter-notification is the proper method for the Recipient to dispute the removal or disabling of material pursuant to a Notice. The information that a Recipient provides in a counter-notification must be accurate and truthful, and the Recipient will be liable for any misrepresentations which may cause any claims to be brought against the SITE relating to the actions taken in response to the counter-notification.

To submit a counter-notification, please provide Our Designated Copyright agent the following information:

1. a specific description of the material that was removed or disabled pursuant to the Notice;

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2. a description of where the material was located within the SITE or the Content before such material was removed and/or disabled (preferably including specific url's associated with the material);

3. a statement reflecting the Recipient's belief that the removal or disabling of the material was done so erroneously. For convenience, the following format may be used:

*"I swear, under penalty of perjury, that I have a good faith belief that the referenced material was removed or disabled by the service provider as a result of mistake or misidentification of the material to be removed or disabled."*

4. the Recipient's physical address, telephone number, and email address; and,

5. a statement that the Recipient consents to the jurisdiction of the Federal District Court in and for the judicial district where the Recipient is located, or if the Recipient is outside of the United States, for any judicial district in which the service provider may be found, and that the Recipient will accept service of process from the person who provided the Notice, or that person's agent.

Written notification containing the above information must be signed and sent to:

Copyright Agent  
Incorporate Now Inc  
512 Lucerne Ave  
Lake Worth, FL 33460  
United States  
Phone: (800) 371-1217  
Fax: (800) 371-0235  
Email: [notice@incorporatenow.com](mailto:notice@incorporatenow.com)

**Please do not send other inquires or information to our Designated Agent.**

After receiving a DMCA-compliant counter-notification, Our Designated Copyright Agent will forward it to Us, and We will then provide the counter-notification to the claimant who first sent the original Notice identifying the allegedly infringing content.

Thereafter, within ten to fourteen (10-14) days of Our receipt of a counter-notification, We will replace or cease disabling access to the disputed material provided that We or Our Designated Copyright Agent have not received notice that the original claimant has filed an action seeking a court order to restrain the Recipient from engaging in infringing activity relating to the material on the SITE's system or network.

## Service Provider Customers or Subscribers

In the event that the alleged infringer identified in an intended DMCA Notice is, itself, operating as a "Service Provider" within the meaning of 17 U.S.C. §512(k)(1), the SITE requests that any such DMCA Notices relating to alleged infringement by third party users, customers or subscribers of such service providers be submitted directly to the DMCA Agent designated by the service provider instead of the SITE.

## Modifications to Policy

The SITE reserves the right to modify, alter or add to this policy, and all affected persons should regularly check back regularly to stay current on any such changes.

## Customer Service Requests

Please note that the DMCA Agent is not associated with the Site in any other capacity, but is an attorney with a private law firm. Customer service inquiries, payment questions, and cancellation requests will not receive a response. All such communications must be directed to the Site's customer service department.